

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Darious Lamont Moore, #248459, )  
Plaintiff, ) Civil Action No.: 3:16-cv-1726-RMG  
v. )  
Sumter County Court House in the Court of )  
Common Pleas; Honorable Mr. Howard P. )  
King, presiding judge; Joseph Spigner, )  
Attorney for Applicant; Mr. Harry Connor, )  
Esquire, Attorney for the State of South )  
Carolina, )  
Defendants. )  
\_\_\_\_\_  
)

**ORDER**

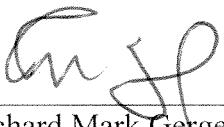
This matter comes before the Court on the Report & Recommendation (R & R) of the Magistrate Judge recommending that Plaintiff's amended complaint be summarily dismissed without prejudice and without issuance and service of process. (Dkt. No. 25). On May 7, 2016, Plaintiff filed a complaint against Defendants, who all participated in Plaintiff's 2003 criminal proceedings. (Dkt. No. 1). The complaint appears to allege that the South Carolina Department of Corrections has calculated his sentence incorrectly, and that Defendant Spigner told him that he would receive a 10-year sentence, but he ultimately received a 16-year sentence. (Dkt. Nos. 1-1, 1-2). Plaintiff seeks damages and declaratory injunctive relief. (*Id.*).

Where a Magistrate Judge has submitted to a District Court a R & R, any party may file written objections within 14 days of the issuance of the R & R. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A District Court must "make a *de novo* determination of those portions of the report . . . or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). Where no timely filed objection has been made, the District Court is obligated to review the R & R to confirm that "there is no clear error on the face of the record in order to accept the

recommendation.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Here, Plaintiff has filed no objections to the R & R. The Court has reviewed the record in this matter, the R & R of the Magistrate Judge, and the applicable law. The Court finds that the Magistrate Judge has ably and thoroughly addressed the factual and legal issues in this matter. Accordingly, the Court hereby **ADOPTS** the R & R as the order of the Court and summarily dismisses the case without prejudice and without issuance and service of process.

**AND IT IS SO ORDERED.**



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Richard Mark Gergel  
United States District Court Judge

September 19, 2016  
Charleston, South Carolina